



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 10 मई, 2013 / 20 वैशाख, 1935

हिमाचल प्रदेश सरकार

MUNICIPAL COUNCILL DALHOUSIE DISTT. CHAMBA (H.P.).

(CONTROL AND REGULATION OF MUCK DUMPING BYE-LAWS, 2013

Dated, the 26th April, 2013

NOTIFICATION

N0. 585/DMC .—The following Draft Muck dumping Bye-Laws, 2013 proposed by the Municipal Council, Dalhousie vide resolution No. 64(5) dated 29/11/2011 in exercise of the power conferred by section 216, 217 and 219 read with Section 202 (y)(z b) of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time was displayed *vide* public notice No 149/DMC dated 21-2-2013 on the notice board of conspicuous places of

Dalhousie Town for the information of general public for inviting objections and suggestions within the period of 30 days.

No objection/suggestion has been received in connection with the draft Muck Dumping Bye Laws-2013. This matter was laid before the meeting of the House and unanimously decided *vide* Reso. No. 137 (1) dated 09-04-2013 that the proposed Muck Dumping Bye Laws-2013 is finally approved and be sent to the Govt. for notification which will be come into force from the date of its notification in Rajpatra Himachal Pradesh (extraordinary).

“Municipal Council, Dalhousie (Control and Regulation) of Muck Dumping Bye-laws, 2013”

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called **“Municipal Council, Dalhousie (Control and Regulation) of Muck Dumping Bye-laws, 2013.”**

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of Municipal Council, Dalhousie as defined from time to time.

2. Definitions.—(i) In these Bye-laws, unless the context otherwise requires:—

(a) **“Act”**-means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.

(b) **“Applicant”**-means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the Municipal Council.

(c) **“Authorized Officer”**-means any Officer/official duly authorized by the Municipal Council, Dalhousie under these Bye-laws.

(d) **“Muck”**-includes earth of stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.

(e) **“Place”**-means authorized site specified by the Municipal Council for dumping of muck.

(f) **“Judicial Magistrate First Class”**-means the Judicial Magistrate having jurisdiction over the area of Municipal Council under the Act.

(g) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the Municipal Council for dumping of Muck within their area.

(ii) Any person found dumping the Muck illegally, un-authorisedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for the dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) Applicant or the person concerned intended to commence the construction within the area of the Municipal Council,

Dalhousie shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the Municipal Council, Dalhousie on the prescribed proforma annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the Plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the Municipal office on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the Municipal Council, Dalhousie authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the contractor hired or engaged by the Municipal Council, Dalhousie for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreens of the vehicle at the time of inspection.

(vi) There shall be restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9.00 A. M. to 5.00 P. M. However, in the case of exigencies, the Municipal Council, Dalhousie may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the Municipal Council in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority of before raising the construction at site is required to install a painted board of the size **2ft.x 3ft.** indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/Control Room set up by the Municipal Council for entertainment of complaints etc.

(ix) The Municipal Council, Dalhousie shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

| | |
|-------------------------------|-----------------------------|
| (i) Pickup | Rs.200/- per pickup |
| (ii) Tipper light duty | Rs.500/-per tipper |
| (iii) Tipper Heavy duty/truck | Rs.1000/- per tipper/truck. |
| (iv) Mule | Rs. 10/- per Mule |
| (v) Manual | Rs. 5/- per Bag. |

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the Municipal Council, Dalhousie.

6. Duties and responsibilities of person concerned.—(i) It shall be the duty and responsibility of owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the Municipal Council, Dalhousie.

(ii) Whosoever is found dumping Muck other than the place specified by the Municipal Council, Dalhousie the owner or the person caught dumping the Muck shall be liable jointly for penalty under these bye-laws.

(iii) At the time of transportation of Muck the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the Municipal Council either on the information received by himself or through any other source immediately on receiving such information, may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these **Bye-laws**.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these **Bye-laws**.

(iii) The official impounding the vehicle shall immediately report to this effect in writing either to the Executive Officer or the President of Municipal Council, Dalhousie and keep the same in custody at by the Municipal Council till it is not released to the registration owner. The halt charges of the vehicle at such designated place shall be levied at the rate of **Rs. 500/-** per day payable by registered owner to the Municipal Council in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before, the institution or Prosecution, be compounded by such officer as may be authorized by the Municipal Council or **Executive Officer** in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the **Special Judicial Magistrate First Class** of the concerned Municipal area under section **260 of the Code of Criminal Procedure, 1973**.

10. Penalty.—(i) Whosoever, is guilty of dumping Muck other than the place specified/notified by the Municipal Council the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance of thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the Municipal Council, Dalhousie in respect of the class and make of vehicle as defined in **Clause 5 of these Bye-laws**.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally of without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/official may request the competent authority of withdrawn of recognition and registration if any

granted in their favour including withdrawn of building sanction granted in favour of the owner concerned.

By order.
Sd/-
*Executive officer,
Municipal Council, Dalhousie.*

APPENDIX-I
(See Bye-laws 4(i))

Proforma for Estimation of Muck Generation

1. Name of the applicant of the Plot/land/Project.
2. Area and Khasra No.of the Plot/land/Project.
3. Location of the Plot/land/Project including Municipal Ward.....
4. Whether owner or builder or otherwise please specify.
5. Estimate quantity of muck to be generated.
(Quantity must be specified in cubic meters) alongwith Estimate duly signed by the authorized person.

Signature,

(Name & address of the Applicant).

Dated:

Place:

परिवहन विभाग

अधिसूचना

शिमला, 7 मई, 2013

नस्ति संख्या: 1-1/84-टी०पी०टी-लूज-11.-हिमाचल प्रदेश की राज्यपाल, मोटरयान अधिनियम, 1988 (1988 का 59) की धारा 68 की उपधारा (1) के अधीन उनमें निहित शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश राज्य में पूर्वोक्त अधिनियम के अधीन या उसके द्वारा प्रदत्त शक्तियों के प्रयोग करते हुए और कृत्यों के निर्वहन के लिए, तुरन्त प्रभाव से इसमें यथा विनिर्दिष्ट सम्पूर्ण क्षेत्रों में क्षेत्रीय परिवहन प्राधिकरण के पुनर्गठन के आदेश देती हैं:-

| क्रम संख्या | प्राधिकरण का नाम | अधिकारिता का क्षेत्र |
|-------------|------------------------------------|----------------------|
| 1. | क्षेत्रीय परिवहन प्राधिकरण कांगड़ा | जिला कांगड़ा |
| 2. | क्षेत्रीय परिवहन प्राधिकरण चम्बा | जिला चम्बा |

| | | |
|-----|-------------------------------------|----------------------------|
| 3. | क्षेत्रीय परिवहन प्राधिकरण ऊना | जिला ऊना |
| 4. | क्षेत्रीय परिवहन प्राधिकरण हमीरपुर | जिला हमीरपुर |
| 5. | क्षेत्रीय परिवहन प्राधिकरण बिलासपुर | जिला बिलासपुर |
| 6. | क्षेत्रीय परिवहन प्राधिकरण मण्डी | जिला मण्डी |
| 7. | क्षेत्रीय परिवहन प्राधिकरण सोलन | जिला सोलन |
| 8. | क्षेत्रीय परिवहन प्राधिकरण सिरमौर | जिला सिरमौर |
| 9. | क्षेत्रीय परिवहन प्राधिकरण कुल्लू | जिला कुल्लू व लाहौल-स्पिति |
| 10. | क्षेत्रीय परिवहन प्राधिकरण शिमला | जिला शिमला व किन्नौर |

आदेश द्वारा,
हस्ताक्षरित /—
अतिरिक्त मुख्य सचिव (परिवहन)।

(Authoritative English text of this Department Notification No-1-1/84-TPT-Loose-I, dated 24th October, 2011 as required under clause (3) of Article 348 of the Constitution of India).

TRANSPORT DEPARTMENT

NOTIFICATION

Shimla-2 the 7th May, 2013

No-1-1/84-TPT-Loose-II.—In exercise of the powers vested in her under sub-section (1) of Section 68 of Motor Vehicle Act, 1988 (Act No-59 of 1988) the Governor of Himachal Pradesh, is pleased to order the reconstitution of the Regional Transport Authorities in the State of Himachal Pradesh to exercise and discharge powers and functions conferred by or under the Act ibid, throughout the areas as specified herein, with immediate effect:—

| Sr. No. | Name of the Authority | Area of Jurisdiction |
|---------|-----------------------|---------------------------------------|
| 1. | RTA Kangra | District Kangra |
| 2. | RTA Chamba | District Chamba |
| 3. | RTA Una | District Una |
| 4. | RTA Hamirpur | District Hamirpur |
| 5. | RTA Bilaspur | District Bilaspur |
| 6. | RTA Mandi | District Mandi |
| 7. | RTA Solan | District Solan |
| 8. | RTA Sirmour | District Sirmour |
| 9. | RTA Kullu | Districts of Kullu and Lahoul & Spiti |
| 10. | RTA Shimla | Districts of Shimla & Kinnaur |

By order,
Sd/-
Additional Chief Secretary (Transport).

आयुर्वेद विभाग

अधिसूचना

शिमला—2, 3 अप्रैल, 2013

संख्या: आय०—क—(3)—20 / 99.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश आयुर्वेद विभाग में मैकेनिक, वर्ग—III (अराजपत्रित) के पद के लिए इस अधिसूचना से संलग्न उपाबन्ध—‘क’ के अनुसार, भर्ती और प्रोन्नति नियम, बनाती है, अर्थात्—

1. **संक्षिप्त नाम और प्रारम्भ।—**(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश आयुर्वेद विभाग, मैकेनिक, वर्ग—III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2013 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. **निरसन और व्यावृत्तियां।—**(1) अधिसूचना संख्या स्वारथ्य—क (3)—27 / 84 तारीख 3—7—1987 द्वारा अधिसूचित हिमाचल प्रदेश भारतीय चिकित्सा पद्धति एवं होमियोपैथी विभाग मैकेनिक (वर्ग—तीन—अराजपत्रित) पद भर्ती एवं प्रोन्नति नियम, 1987 का एतदद्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी उपर्युक्त उप नियम 2(1) के अधीन इस प्रकार निरसित सुसंगत नियमों के अधीन की गई कोई नियुक्ति, बात या कार्रवाई इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी।

आदेश द्वारा,
हस्ताक्षरित /—
प्रधान सचिव (आयुर्वेद)।

उपाबन्ध—‘क’

आयुर्वेद विभाग, हिमाचल प्रदेश में मैकेनिक, वर्ग—III (अराजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम

1. पद का नाम।— मैकेनिक

2. पदों की संख्या।— 03 (तीन)

3. वर्गीकरण।— वर्ग—III (अराजपत्रित)

4. वेतनमान।— (i) नियमित पदधारियों के लिए वेतनमान:—

पे बैण्ड 5910—20,200 रूपये जमा 1900 रूपये ग्रेड पे।

(ii) संविदा पर नियुक्त कर्मचारियों के लिए उपलब्धियां :—

7810 /—स्तम्भ संख्या 15—क में दिए गए व्यौरे के अनुसार।

5. “चयन पद” अथवा “अचयन” पद।—लागू नहीं।

6. सीधी भर्ती के लिए आयु।—18 से 45 वर्ष :

परन्तु सीधे भर्ती किए जाने वाले व्यक्तियों के लिए ऊपरी आयु सीमा, तदर्थ या संविदा के आधार पर नियुक्त किए गए व्यक्तियों सहित पहले से ही सरकार की सेवा में रत अभ्यर्थियों को लागू नहीं होगी :

परन्तु यह और कि यदि तदर्थ या संविदा के आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो तो, वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिए पात्र नहीं होगा :

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जनजातियों तथा अन्य वर्गों के व्यक्तियों के लिए ऊपरी आयु सीमा में उतनी ही छूट दी जा सकेगी, जितनी हिमाचल प्रदेश सरकार के साधारण या विशेष आदेश (आदेशों) के अधीन अनुज्ञेय है :

परन्तु यह और भी कि पब्लिक सेक्टर, निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों को जो ऐसे पब्लिक सेक्टर, निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सेक्टर निगमों/स्वायत्त निकायों में आमेलन से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु की सीमा में ऐसी ही रियायत दी जाएगी, जैसी सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार की रियायत पब्लिक सेक्टर निगमों तथा स्वायत्त निकायों के ऐसे कर्मचारिवन्द को अनुज्ञेय नहीं होगी, जो पश्चात्वर्ती ऐसे निगमों/स्वायत्त निकायों द्वारा नियुक्त किए गए थे/किए गए हैं और उन पब्लिक सेक्टर निगमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात् ऐसे निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से आमेलित किए गए हैं/किए गए थे।

- (1) सीधी भर्ती के लिए आयु सीमा की गणना, उस वर्ष के प्रथम दिवस से की जाएगी, जिसमें पद (पदों) को आवेदन आमन्त्रित करने के लिए, यथास्थिति, विज्ञापित किया गया है या नियोजनालयों को अधिसूचित किया गया है।
- (2) अन्यथा सुअर्हित अभ्यर्थियों की दशा में सीधी भर्ती के लिए आयु सीमा और अनुभव, हिमाचल प्रदेश लोक सेवा आयोग के विवेकानुसार शिथिल किया जा सकेगा।

7. सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं—(क) अनिवार्य अर्हताएं—(i) किसी मान्यता प्राप्त स्कूल शिक्षा बोर्ड से मैट्रिक या इसके समतुल्य।

(ii) किसी मान्यता प्राप्त औद्योगिक प्रशिक्षण संस्थान या हिमाचल प्रदेश केन्द्रीय सरकार द्वारा सम्यक रूप से मान्यता प्राप्त किसी संस्थान से जनरल मैकेनिक के ट्रेड में एक वर्ष की अवधि का प्रमाणपत्र कोर्स।

(iii) मैकेनिक के रूप में दो वर्ष का अनुभव।

वॉचनीय अर्हता—हिमाचल प्रदेश की रुद्धियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता।

8. सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्तियों की दशा में लागू होंगी या नहीं—आयु : लागू नहीं। शैक्षिक अर्हताएं : लागू नहीं।

9. परिवीक्षा की अवधि यदि कोई हो—दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा, जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे।

10. भर्ती की पद्धति : भर्ती सीधी होगी या प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता—शतप्रतिशत सीधी भर्ती द्वारा यथास्थिति, नियमित आधार पर या संविदा के आधार पर भर्ती द्वारा।

11. प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण की दशा में वे श्रेणियां (ग्रेड) जिनसे प्रोन्नति/प्रतिनियुक्ति स्थानान्तरण किया जाएगा—लागू नहीं।

12. यदि विभागीय प्रोन्नति समिति, विद्यमान हो तो उसकी संरचना—लागू नहीं।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा—जैसा विधि द्वारा अपेक्षित हो।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षा—किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन—सीधी भर्ती के मामले में पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर किया जाएगा और यदि, यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना, आवश्यक या समीचीन समझे, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा, जिसका स्तर/पाठ्यक्रम इत्यादि यथास्थिति, आयोग/अन्य भर्ती प्राधिकरण द्वारा अवधारित किया जाएगा।

15 (क) संविदा नियुक्ति द्वारा पद पर नियुक्ति के लिए चयन—इन नियमों में किसी बात के होते हुए भी पद पर संविदा नियुक्तियां नीचे दिए गए निबन्धनों और शर्तों के अध्यधीन की जाएंगी :—

1. सकंल्पना—(क) इस पॉलिसी के अधीन आयुर्वेद विभाग में मैकेनिक को संविदा के आधार पर प्रारम्भ में एक वर्ष के लिए लगाया जाएगा, जिसे वर्षानुवर्ष आधार पर बढ़ाया जा सकेगा :

परन्तु संविदा की अवधि में वर्षानुवर्ष आधार पर विस्तारण/नवीकरण के लिए सम्बद्ध विभागाध्यक्ष यह प्रमाणपत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण उस वर्ष के दौरान सन्तोषजनक रहा है और केवल तभी उसकी संविदा अवधि नवीकृत/विस्तारित की जाएगी।

(ख) पद का हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड के कार्यक्षेत्र में आना—निदेशक आयुर्वेद, रिक्त पदों को संविदा के आधार पर भरने के लिए सरकार का अनुमोदन प्राप्त करने के पश्चात् अध्यपेक्षा को, सम्बद्ध भर्ती अभिकरण, अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर के समक्ष रखेगा।

(ग) चयन, इन नियमों में विहित पात्रता शर्तों के अनुसार किया जाएगा।

(II) संविदात्मक उपलब्धियां—संविदा के आधार पर नियुक्त मैकेनिक को 7,810/-रुपये की समेकित नियत संविदात्मक रकत (जो पे बैण्ड का न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदर्भ की जाएगी। यदि संविदा में एक वर्ष से अधिक की बढ़ौतरी की जाती है, तो पश्चात् वर्ती वर्ष/(वर्षों) के लिए संविदात्मक उपलब्धियों में 240/- रुपए (पद के पे बैण्ड का न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) की रकम वार्षिक वृद्धि के रूप में अनुज्ञात की जाएगी।

(III) नियुक्ति/अनुशासन प्राधिकारी—निदेशक आयुर्वेद, हिमाचल प्रदेश नियुक्ति और अनुशासन प्राधिकारी होगा।

(IV) चयन प्रक्रिया—संविदा नियुक्ति की दशा में पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के आधार पर किया जाएगा या यदि आवश्यक या समीचीन समझा जाए, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा, जिसका स्तर/पाठ्यक्रम इत्यादि सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर द्वारा अवधारित किया जाएगा।

(V) संविदात्मक नियुक्तियों के लिए चयन समिति—जैसी सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर द्वारा समय—समय पर गठित की जाए।

(VI) करार—अभ्यर्थी को, चयन के पश्चात् इन नियमों से सलंग्न उपाबन्ध—‘ख’ के अनुसार करार हस्ताक्षरित करना होगा।

(VII) निबन्धन और शर्तें।—(क) संविदा के आधार पर नियुक्त मैकेनिक को 7,810/-रुपये की समेकित नियम संविदात्मक रकम (जो पे बैण्ड का न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। संविदा पर नियुक्त व्यक्ति आगे बढ़ाए गए वर्षों के लिए संविदात्मक रकम में 240/-रुपये (पद के पे बैण्ड का न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) की वृद्धि का हकदार होगा और अन्य कोई सहबद्ध प्रसूविधाएं, जैसे वरिष्ठ/चयन वेतनमान आदि नहीं दिया जाएगा।

(ख) संविदा पर नियुक्त मैकेनिक की सेवा पूर्णतया अस्थायी आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है, तो नियुक्ति समाप्त किए जाने के लिए दायी होगी।

(ग) संविदा पर नियुक्त व्यक्ति एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। तथापि संविदा पर नियुक्त कर्मचारी बारह सप्ताह के प्रसूति अवकाश और दस दिन के चिकित्सा अवकाश के लिए भी हकदार होगा/होगी। वह चिकित्सा प्रतिपूर्ति तथा एल0टी0सी0 इत्यादि के लिए हकदार नहीं होगा/होगी। संविदा पर नियुक्त व्यक्ति को उपरोक्त के सिवाय किसी अन्य प्रकार का कोई अवकाश अनुज्ञात नहीं होगा :

परन्तु अनुपभुक्त आकस्मिक अवकाश और चिकित्सा अवकाश एक कलैण्डर वर्ष तक संचित किया जा सकेगा और आगामी कलैण्डर वर्ष के लिए अग्रनीत नहीं किया जाएगा।

(घ) नियन्त्रक अधिकारी के अनुमोदन के बिना सेवा से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का (पर्यावर्सान) समाप्ति हो जाएगी। संविदा पर नियुक्त व्यक्ति कर्तव्य (डियूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।

(ङ.) संविदा पर नियुक्त कर्मचारी, जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानांतरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।

(च) चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण पत्र प्रस्तुत करना होगा। बारह सप्ताह से अधिक की गर्भवती महिला अभ्यर्थी प्रसव होने तक, अस्थाई तौर पर अनुपयुक्त बनी रहेगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाएगा।

(छ) संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर, जैसी नियमित प्रतिस्थानी कर्मचारियों को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी।

(ज) नियमित कर्मचारियों की दशा में यथालागू सेवा नियमों के उपबन्ध जैसे एफ.आर.एस.आर, छुट्टी नियम, साधारण भविष्य नियम, पेंशन नियम तथा आचरण नियम आदि संविदा पर नियुक्त व्यक्तियों की दशा में लागू नहीं होंगे। वे इस स्तर्भ में यथावर्णित उपलब्धियों आदि के लिए हकदार होंगे।

16. आरक्षण।— सेवा में नियुक्त हिमाचल प्रदेश सरकार द्वारा समय समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की बाबत जारी किए गए आदेशों के अधीन होगी।

17. विभागीय परीक्षा।—लागू नहीं।

18. शिथिल करने की शक्ति।—जहां राज्य सरकार की राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बाबत शिथिल कर सकेगी।

मैकेनिक और हिमाचल प्रदेश सरकार के मध्य निदेशक आयुर्वेद के माध्यम से निष्पादित की जाने वाली
संविदा / करार का प्ररूप

यह करार श्री / श्रीमति. पुत्र / पुत्री श्री.....
निवासी..... संविदा पर नियुक्त व्यक्ति (जिसे इसमें इसके पश्चात् प्रथम पक्षकार कहा गया है) और हिमाचल प्रदेश की राज्यपाल के मध्य निदेशक आयुर्वेद, हिमाचल प्रदेश (जिसे इसमें इसके पश्चात् द्वितीय पक्षकार कहा गया है), के माध्यम से आज तारीख..... को किया गया।

“द्वितीय पक्षकार” ने उपरोक्त “प्रथम पक्षकार” को लगाया है और प्रथम पक्षकार ने मैकेनिक के रूप में संविदा के आधार पर निम्नलिखित निबन्धन और शर्तों पर सेवा करने के लिए सहमति दी है:—

1. यह कि प्रथम पक्षकार मैकेनिक के रूप में..... से आरम्भ होने और..... को समाप्त होने वाले दिन तक, एक वर्ष की अवधि के लिए द्वितीय पक्षकार की सेवा में रहेगा। यह विनिदिष्ट रूप से उल्लिखित किया गया है और दोनों पक्षकारों द्वारा करार पाया गया है कि प्रथम पक्षकार की द्वितीय पक्षकार के साथ संविदा, आखरी कार्य दिवस को अर्थात्..... दिन को स्वयंमेव ही पर्यवसित (समाप्त) हो जाएगी सूचना नोटिस आवश्यक नहीं होगा :

परन्तु संविदा की अवधि में वर्षानुवर्ष आधार पर विस्तारण / नवीकरण के लिए सम्बद्ध विभागाध्यक्ष यह प्रमाण पत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण उस वर्ष के दौरान संतोषजनक रहा है और केवल तभी उसकी संविदा अवधि नवीकृत / विस्तारित की जाएगी।

2. प्रथम पक्षकार की संविदात्मक रकम रूपए 7,810/-प्रतिमास होगी ।
3. प्रथम पक्षकार की सेवा पूर्णतया अस्थायी आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य / आचरण ठीक नहीं पाया जाता है, तो नियुक्ति प्रर्यवसित (समाप्त) की जाने के लिए दायी होगी ।
4. संविदा पर नियुक्त व्यक्ति एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। तथापि संविदा पर नियुक्त कर्मचारी बारह सप्ताह के प्रसूति अवकाश और दस दिन के चिकित्सा अवकाश के लिए भी हकदार होगा / होगी। वह चिकित्सा प्रतिपूर्ति तथा एल0टी0सी0 इत्यादि के लिए हकदार नहीं होगा / होगी। संविदा पर नियुक्त मैकेनिक (पद का नाम) को उपरोक्त के सिवाय किसी अन्य प्रकार का कोई अवकाश अनुज्ञात नहीं होगा :

परन्तु अनुपभुक्त आकस्मिक अवकाश और चिकित्सा अवकाश एक कलैण्डर वर्ष तक संचित किया जा सकेगा और आगामी कलैण्डर वर्ष के लिए अग्रनीत नहीं किया जाएगा।

5. नियन्त्रक अधिकारी के अनुमोदन के बिना सेवा से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समाप्त) हो जाएगा। संविदा पर नियुक्त मैकेनिक (पद का नाम) कर्तव्य (डियूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।
6. संविदा पर नियुक्त व्यक्ति जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानान्तरण हेतु पात्र होगा, जहा भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।
7. चयनित अभ्यर्थी को सरकारी / रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना अरोग्य प्रमाण पत्र प्रस्तुत करना होगा। बारह सप्ताह से अधिक समय से गर्भवती महिला प्रसव होने तक, अस्थायी

तौर पर अनुपयुक्त समझी जाएगी। महिला अभ्यर्थियों को किसी प्राधिकृत सरकारी चिकित्सा अधिकारी रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाएगा।

8. संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर जैसे नियमित प्रतिस्थानी कर्मचारी को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा।
9. संविदा पर नियुक्त व्यक्ति/व्यक्तियों को कर्मचारी सामूहिक बीमा योजना के साथ-साथ ई०पी०एफ/जी०पी०एफ लागू नहीं होगा।

इसके साक्ष्यस्वरूप प्रथम पक्षकार और द्वितीय पक्षकार ने साक्षियों की उपस्थिति में इसमें सर्वप्रथम उल्लिखित तारीख को अपने-अपने हस्ताक्षर कर दिए हैं।

साक्षियों की उपस्थिति में :

1.....
.....
.....

(नाम व पूरा पता)

2.....
.....
.....

(नाम व पूरा पता)

प्रथम पक्षकार के हस्ताक्षर

साक्षियों की उपस्थिति में :

1.....
.....
.....

(नाम व पूरा पता)

2.....
.....
.....

(नाम व पूरा पता)

द्वितीय पक्षकार के हस्ताक्षर

[Authoritative English Text of this Department's Notification No. Ayur-A(3)-20/99 dated 03-04-2013 as required under clause (3) of Article 348 of the Constitution of India].

AYURVEDA DEPARTMENT

NOTIFICATION

Shimla-171002, the 3rd April, 2013

No. Ayu-A(3)-20/99.—In exercise of the powers conferred by proviso to Article 309 to the Constitution of India, the Governor, Himachal Pradesh, in consultation with HP Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Mechanic Class-III (Non-Gazetted) in the Department of Ayurveda, Himachal Pradesh, as per Annexure-'A' attached to this notification, namely:—

1. Short title & Commencement.—(1) These rules may be called the Himachal Pradesh Department of Ayurveda, Mechanic, Class-III(Non-Gazetted) Recruitment & Promotion Rules, 2013.

(2) These rules shall come into force from the date of publication in the Rajpatra, H.P.

2. Repeal & Savings.—(1) The Himachal Pradesh Department of Indian System of Medicine & Homeopathy, Mechanic Class-III (Non Gazetted) Recruitment & Promotion Rules, 1987 notified vide Notification No. Swasthya-Ka(3)-27/84 dated 3-7-1987 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rules so repealed under sub rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.

By order
Sd/-
Principal Secretary (Ayurveda).

ANNEXURE-A

RECRUITMENT & PROMOTION RULES FOR THE POST OF MECHANIC (NON GAZETTED) CLASS-III IN THE DEPARTMENT OF AYURVEDA HIMACHAL PRADESH

1. Name of Post.—MECHANIC

2. Number of post(s).— 03 (Three)

3. Classification.—Class-III (Non-Gazetted)

4. Scale of pay.—(i) *Pay scale for regular incumbents.*—Pay Band Rs. 5910-20200+Rs.1900/- Grade Pay.

(ii) *Emoluments for contract employees.*—Rs.7,810/-as per details given in Column 15-A.

5. Whether “Selection” post or “Non-Selection” post.—Not applicable

6. Age for direct recruitment.—Between 18 and 45 years.

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis;

Provided further that if a candidate appointed on adhoc basis or on contract basis had become over-age on the date he /she was appointed as such he/she shall not be eligible for any relaxation in the prescribed age limit by virtue of his/her such adhoc or contact appointment;

Provided further that the upper age- limit is relaxable for scheduled caste/scheduled Tribes/other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government.

Provided further that the employees of all the Public Sector Corporation and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations/Autonomous bodies at the time of initial of such constitutions of such Corporations /Autonomous bodies shall be allowed age concession in direct recruitment as admissible to Government Servants. This concession will not, however, be admissible to such staff of the public sector Corporations/Autonomous bodies and who are/were finally absorbed in the service of such Corporations/Autonomous after initial constitution of the public sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting applications or notified to the Employment Exchange or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum Educational & other Qualifications required for direct recruit(s).—(a) Essential Qualification(s) .—(i) Matric or its equivalent from a recognized Board of School Education.

(ii) Certificate Course of one year duration in the trade of General Mechanic from a recognized I.T.I. or from an Institute duly recognized by the H.P./Central Government.

(iii) 02 years experience as mechanic.

(b) *Desirable Qualification(s).*—Knowledge of customs/manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the Promotee(s).—Age.—Not applicable.

Educational Qualifications.—Not applicable.

9. Period of probation, if any.—Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

10. Method(s) of recruitment whether by direct recruitment or by promotion deputation, transfer and the percentage of post(s) to be filled in by various methods.—100% by direct recruitment on regular basis or by recruitment on contract basis, as the case may be.

11. In case of recruitment by promotion, deputation transfer grade from which promotion/deputation transfer is to be made.—Not applicable.

12. If a Departmental promotion committee exists, what is its composition?.—Not applicable.

13. Circumstances under which the H.P.S.S.C. is to be consulted in making recruitment.—As required under the law.

14. Essential requirement for a direct recruitment.—A candidate for appointment to any service or post must be a citizen of India.

15. Selection for appointment to post by Direct Recruitment.—Selection for appointment to the post in case of direct recruitment shall be made on the basis of viva-voce test if the H.P. Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient by a written test, or practical test, the standard/syllabus etc., of which will be determined by the Commission/other recruiting authority, as the case may be.

15(a). Selection for appointment to the post by contract appointment.—Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below:—

(I) CONCEPT.—(a) Under this policy, the Mechanic in the Deptt. of Ayurveda will be engaged on contract basis initially for one year; which may be extendable on year to year basis.

Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed /extended.

(b) **POST FALLS WITHIN THE PURVIEW OF HPSSSB.**—The Director Ayurveda after obtaining the approval of the Government to fill up the vacant posts on contract basis will place the requisition with concerned recruiting agency i.e. Himachal Pradesh Subordinate Services Selection Board, Hamirpur.

(c) The selection will be made in accordance with the eligibility conditions prescribed in these Rules.

(II) Contractual Emoluments.—The Mechanic appointed on contract basis will be paid consolidated fixed contractual amount @ Rs. 7,810/- per month (which shall be equal to minimum of the pay band+ Grade pay). An amount of Rs. 240/- (3% of the minimum of pay band+grade pay of the post). as annual increase in contractual emoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.

(III) APPOINTING/DISCIPLINARY AUTHORITY.—The Director Ayurveda, H.P. will be appointing and disciplinary authority.

(IV) SELECTION PROCESS.—Selection for appointment to the post in the case of contract appointment will be made on the basis of viva-voce test or if considered necessary or expedient by a written test or practical test, the standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. Himachal Pradesh Subordinate Services Selection Board, Hamirpur.

(V) COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.—As may be constituted by the concerned recruiting agency i.e. the Himachal Pradesh Subordinate Services Selection Board, Hamirpur from time to time.

(VI) AGREEMENT.—After selection of a candidate, he/she shall sign an agreement as per Annexure-B appended to these Rules.

(VII) TERMS AND CONDITIONS.—(a) The contract appointee will be paid fixed contractual amount of Rs.7,810/-per month (which shall be equal to minimum of the pay band + grade pay). The contract appointee will be entitled for increase in contractual amount of Rs.240/- (3% of the minimum of pay band + grade pay of the post) for further extended years and no other allied benefits such as seniority/selection scales etc. will be given.

(b) The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory.

(c) Contract Appointee will be entitled for one day's casual leave after putting one month service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 day's Medical Leave. He/ She shall not be entitled for Medical Reimbursement and LTC etc. No leave of any other Kind except above is admissible to the contract appointee.

Provided that the un-availed Casual Leave and Medical Leave can be accumulated upto the Calendar Year and will not be carried forward for the next Calendar Year.

(d) Unauthorized absence from the duty without the approval of the controlling Officer shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of absence from duty.

(e) An official appointed on contract basis who has completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

(f) Selected candidate will have to submit a certificate of his/her fitness from the Government/Registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re- examined for the fitness from an authorized Medical Officer/ Practitioner.

(g) Contract appointee will be entitled to TA/DA, if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counterpart officials at the minimum of pay scale.

(h) Provisions of service rule like FR SR, Leave rules, GPF rules, Pension rules and Conduct rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointee. They will be entitled for emoluments etc. as detailed in this column.

16. Reservation.—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes/other category of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental examination.—Not applicable.

18. Powers to relax.—Where the State Govt. is of the opinion that it is necessary or expedient to do so, it may, be order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission relax any of the Provision(s) of these Rules with respect to any Class or Category of person(s) or post(s) Under Secretary (Ayurveda) to the Government of Himachal Pradesh.

ANNEXURE-B

Form of contract/agreement to be executed between the Mechanic and the Director Ayurveda and the Government of Himachal Pradesh through Director Ayurveda

This agreement is made on this _____ day of _____ in the year _____ between
Shri/Smt. _____ R/o _____ contract appointee

(hereinafter called the FIRST PARTY) AND the Governor, Himachal Pradesh through Director Ayurveda, Himachal Pradesh (herein after called the SECOND PARTY). Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a **Mechanic** on contract basis on the following terms & conditions:—

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a **Mechanic** for a period of one year commencing on _____ day of _____ and ending on the _____ day of _____. It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY shall post-ipose facto stand terminated on the last working day i.e. on _____ and information notice shall not be necessary.

Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be renewed/extended.

2. The contractual amount of the FIRST PARTY will be Rs. 7, 810/- per month.
3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance /conduct of the contract appointee is not found good or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.
4. Contractual **Mechanic** (Name of the post) will be entitled for one day's casual leave after putting in one month service. However, the contract employee will also be entitled for 12 weeks Maternity Leave and 10 day's Medical Leave. He/She shall not be entitled for Medical Re-imbursement and LTC etc. No leave of any other kind except above is admissible to the contractual Mechanic (name of the post).

Provided that the un-availed Casual Leave and Medical Leave can be accumulated upto the Calendar Year and will not be carried forward for the next Calendar Year.

5. Unauthorized absence from duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual **Mechanic** (Name of the post) will not be entitled for contractual amount for the period of absence from duty.
6. An official appointed on contract basis who have completed five years tenure at one place of posting will be eligible for transfer on need bases basis wherever required on administrative grounds.
7. Selected candidate will have to submit a certificate of his/her fitness from the Govt. authorized/registered Medical Practitioner. Women candidate pregnant beyond 12 weeks will stand temporarily unfit till the confinement is over. The women candidate will be re-examined for the fitness from an authorized Govt. authorized/Registered Medical Practitioner.
8. Contract appointee shall be entitled for TA/DA if required to go on tour in connection with his/her official duty at the same rate as applicable to regular counter part official at the minimum of pay scale.
9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to contractual appointee(s).

IN WITNESS THE FIRST PARTY AND SECOND PARTY HAVE HEREIN TO SET THEIR HANDS THE DAY, MONTH AND YEAR FIRST, ABOVE WRITTEN.

IN THE PRESENCE OF WITNESS

1. _____

(Name and full address)

(Signature of first party).

2. _____

(Name and full address)

(Signature of Second party).

NAGAR PANCHAYAT NARKANDA DISTT SHIMLA (HP)

(CONTROL AND REGULATION OF MUCK DUMPING BYE-LAWS, 2013

NOTIFICATION

Dated, the 09th May, 2013

NP/NKD.198.—The following Muck dumping by-laws, 2013 made by the N.P. Narkanda in exercise of the power conferred by section 216, 217 and Section 219 read with clause (y and z b) of sub-(1) section 2002 of the Himachal Pradesh Municipal Act, 1994 (act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the N.P.Narkanda after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any, objection (s) against these draft rules, he may send the written objections to the Executive officer/Secretary of concerned ULB, within the aforesaid period.

Objections, if any, received within the period as specified above, shall be taken into consideration by the N.P.Narkanda before finalizing these bye-laws namely:—

“N.P. Narkanda (Control and Regulation) of Muck Dumping Bye-laws, 2013”

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called “N.P. Narkanda Control and Regulation) of Muck Dumping Bye-laws, 2013.”

(ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of N.P.Narkanda as defined from time to time.

2. Definitions.—(i) In these Bye-laws, unless the context otherwise requires:—

- (a) **“Act”**- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
- (b) **“Applicant”**- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the N.P.Narkanda
- (c) **“Authorized Officer”**- means any Officer/official duly authorized by the N.P.Narkanda under these Bye-laws.
- (d) **“Muck”**- includes earth of stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
- (e) **“Place”**- means authorized site specified by the N.P.Narkanda for dumping of muck.
- (f) **“Judicial Magistrate First Class”**- means the Judicial Magistrate having jurisdiction over the area of N.P.Narkanda under the Act.
- (g) Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) no person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the N.P.Narkanda for dumping of Muck within their area.

(ii) any person found dumping the Muck illegally, un-authorisedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for the dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) Applicant or the person concerned intended to commence the construction within the area of the N.P.Narkanda shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the N.P.Narkanda on the prescribed Performa annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the Plot/construction site shall be assessed for raising the bill and for according necessary permission in favor of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the N.P.Narkanda on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the N.P. Narkanda authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned agency or the contractor hired or engaged by the N.P.Narkanda for managing the dumping site.

(v) during transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreens vehicle and the same shall have to be shown to the authorized officer of the N.P.Narkanda at the time of inspection.

(vi) There shall be restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9:00 A.M. to 5:00 P.M. However, in the case of exigencies, the N.P.Narkanda may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the N.P. Narkanda in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority of before raising the construction at site is required to install a painted board of the size 2X4 indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/Control Room set up by the N.P.Narkanda for entertainment of complaints etc.

(ix) The N.P.Narkanda shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

| | |
|-----------------------------|---------------------------------------|
| (i) Manual per Bag | Rs. 5/- per bag one time |
| (ii) Mule | Rs. 20/- one time |
| (iii) Pickup | Rs.250/- per pickup one time |
| (iv) Tipper light duty | Rs.650/-per tipper one time |
| (v) Tipper Heavy duly/truck | Rs. 1100/- per tipper/truck. one time |

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the N.P. Narkanda.

6. Duties and responsibilities of person concerned.—(i) it shall be the duty and responsibility of owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the N.P. Narkanda.

(ii) **Whosoever** is found dumping Muck other than the place specified by the N.P. Narkanda, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these bye-laws.

(iii) At the time of transportation of Muck the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the N.P. Narkanda in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.

(iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authority officer/official and keep the same in custody at the place designated by the N.P. Narkanda till it is not released to the registration owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the N.P. Narkanda in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before, the institution or Prosecution, be compounded by such officer as may be authorized by the N.P. Narkanda of Executive officer/Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned municipal area under section 260 of the Code of Criminal Procedure.

10. Penalty.—(i) whosoever, is guilty of dumping Muck other than the place specified/ notified by the N.P. Narkanda, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance of thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the N.P. Narkanda in respect of the class and make of vehicle as defined in Clause 5 of these By-laws.

(ii) in case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally of without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and other civic amenities and the concerned Officer/ official may request the competent authority of withdrawal of recognition and registration if any granted in their favor including withdrawal of building sanction granted in favor of the owner concerned.

By order,
Sd/-
Secretary,
Nagar Panchayat Narkanda.

MUNICIPAL COUNCIL KULLU

[CONTROL AND REGULATION] OF MUCK DUMPING BYE – LAWS, 2012.

NOTIFICATION

No. MCK/ME©/12- 1740

Dated: Kullu the 8th May 2013

The following Muck Dumping bye laws, 2012 made by the M.C. Kullu in exercise of the power conferred by section 216, 217 and section 219 read with Clause (y and zb) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye laws shall be considered by the MC Kullu after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by this draft bye -laws has any, objections against these draft rules, he may send written objections to the Executive Officer of concerned ULB, within the aforesaid period.

Objections, if any, received within the period as specified above, shall be taken into consideration by the MC before finalizing these bye –laws namely :-

“MC Kullu (Control and regulation) of Muck Dumping Bye- Laws, 2012.”

PRELIMINARY

1. Short title, commencement and application:-

- (i). These Bye –Laws may be called “MC Kullu (control and Regulation) of Muck Dumping, Bye Laws 2012”
- (ii). These Bye –Laws shall come into force from, the date of publication in Rajpatra (extraordinary) Himachal Pradesh.
- (iii). These Bye-Laws shall be applicable within the jurisdiction of MC Kullu as defined from time to time.

2. Definitions:-

- (i). In these Bye –Laws, unless the context otherwise requires:-
 - (a) “**Act**”- means the Himachal Pradesh Municipal Act, 1994 (act no. 13 of 1994) As amended from time to time
 - (b) “**Applicant**”- Means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC.
 - (c) “**Authorized officer**”- means any officer/ official duly authorized by the MC Kullu Under these Bye laws.
 - (d) “**Muck**”- includes earth or stone, material of any rubbish or polluted or obnoxious matter or Debris including building , construction waste.

(e) **“Place”**- means authorized site specified by MC Kullu For dumping of Muck.

(f) **Judicial Magistrate First Class”**- means the Judicial Magistrate having jurisdiction over the area of MC Kullu under act.

(g) **Words or expressions** used in these Bye-Laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping:-

(i). No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by MC Kullu For dumping of Muck within their area.

(ii). Any person found dumping the muck illegally, unauthorized and without any permission shall be liable for penalty under these Bye-Laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application Grant of permission:- (I) Applicant or the person concerned intended to commence the construction within the area of the MC shall in writing submit detailed estimation of Muck to be generated from the Plot/construction site to the MC on prescribed proforma annexed with these bye –Laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot/ construction site shall be assessed for raising the bill and for according necessary permission in favor of the applicant.

(III) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC Kullu on this account.

(IV) the place for dumping of muck shall be communicated to the applicant by the MC authorized in writing and the name of the place/ site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the MC for managing the dumping site.

(V) During transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the widescrreen of the vehicle and the same shall have to be shown to the authorized officer of the MC at the time of inspection.

(vi) There shall be restriction on movement of the vehicle carrying Muck after sun set and before the sun rise. The normal timings for dumping the muck in the dumping site shall be between 9:00 A.M. to 5:00 P.M. However, in case of exigencies, the MC may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the MC in the larger public interest or in the case of emergent situation may relax such imposition /restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the size of 1.00x0.50 mtr. indicating there in number and date of sanction, commencement of construction and hour during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office /control room set up by the MC for entertainment of complaints etc.

(ix) The MC shall prescribe the condition relating to their application of muck generation from the plot, grant of sanction for muck disposal and condition relating affixing of board at site giving therein the details as mentioned in clause(viii) at the time of grant of building sanction.

5. Rates for dumping of Muck:- the following rates shall be applicable for dumping of muck in the specified places.

| | | |
|-------|-------------------------|-----------------------------|
| (i) | Pickup | Rs. 300/- per pickup |
| (ii) | Tractor | Rs. 400/- per tractor |
| (iii) | Tipper light duty | Rs. 700/- per tipper |
| (iv) | Tipper Heavy duty/truck | Rs. 1200/- per tipper/truck |
| (v) | Mule | Rs. 20/- per mule. |
| (vi) | Manual | Rs. 10/- per cement bag |

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC.

6. Duties and responsibilities of person concerned:- (i) it shall be the duty and responsibility of owner to make available the entire person so hired or engaged by him for dumping of muck in a specified places as specified by the MC.

(ii) Who so ever is found Muck other than the place specified by the MC, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye-Laws.

(iii) At time of transportation of muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle:- (i) the authorized officer or the police establishment of the MC in this behalf either on the information receiving by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-Laws

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye- Laws.

(iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the MC till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/ per day payable by registered owner to the MC in cash or through demand draft.

8. Compounding of offences:- All the offences punishable under these Bye- laws may, before, the institution of Prosecution , be compounded by such officer as may be authorized by MC or Executive officer in this behalf, on payment of such sum as may be specified by such officer under these Bye- Laws.

9. Offences to be tried summarily: - The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First class of the concerned Municipal area under session 260 of the code of criminal Procedure.

10. Penalty: - (i) Whosoever, is guilty of dumping Muck other then the place specified/ notified by the MC, the rate of penalty shall be ten time at the first instance, twenty time at the second instance and for the third instance and thereafter the amount of penalty shall be thirty time of the actual rate of dumping as fixed by the MC in respect of class and make vehicle as defined in clause 5 of these bye laws .

(ii) In case of repeated violation, in addition to penalty as specified above , the owner at whose instance the construction / excavation work is carried and is found dumping the muck illegally or without the permission of the competent authority as the case may be , shall also be liable for disconnection of water, electricity and other civic amenities and the concerned officer/official may request the competent authority for withdrawal of recognition and registration if any granted in their favors including withdrawal of building sanction granted in favor of the owner concerned .

By order

-sd-

Executive Officer,

Municipal Council Kullu.

NAGAR PANCHAYAT SUJANPUR TIHRA (Name of NP) Sujanpur Tihra (CONTROL AND REGULATION) OF WORK MUCK DUMPING BYE-LAWS, 2013

NOTIFICATION

Dated, the 09th May, 2013

No. NPs (Muck Dumping)-2013-(1)- 686.—The following Muck Dumping bye-laws, 2013 made by the NP in exercise of the power conferred by Section 216, 217 and Section 219 read with

Clause (y and z) of sub section (1) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the MC/NP after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any, objection (s) against these draft rules, he may send the written objections to the Secretary of Nagar panchayat Sujanpur Tihra, within the aforesaid period.

Objections, if any, received within period as specified above, shall be taken into consideration by the NP before finalizing these bye-laws namely:—

“NP Sujanpur Tihra (Control and Regulation) of Muck Dumping Bye-Laws, 2013”

Preliminary

1. Short title, commencement and application.— (i) These Bye-Laws may be called, “NP Sujanpur Tihra (Control and Regulation) of Muck Dumping Bye-Laws, 2013”.

(ii) These Bye-Laws shall come into force the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-Laws shall be applicable within the jurisdiction of NP Sujanpur Tihra as defined from time to time.

2. Definitions.—(i) In these bye-laws, unless the context otherwise requires:—

- (a) **“Act”**-means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
- (b) **“Applicant”**-means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the NP.
- (c) **“Authorized Officer”**-means any Officer/Official duly authorized by the NP Sujanpur under these bye-laws.
- (d) **“Muck”**-includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
- (e) **“Place”**-means authorized site specified by the NP Sujanpur for dumping of Muck.
- (f) **“Judicial Magistrate First Class”**-means the Judicial Magistrate having jurisdiction over the area of NP Sujanpur under the Act.
- (g) Words and expressions used in these Bye-Laws but not defined here in shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the NP Sujanpur Tihra for dumping of Muck with in their area.

(ii) Any person found dumping the Muck illegall, unauthorized and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) Applicant or the person concerned intended to commence the construction within the area of the MC/NP shall in writing

submit detailed estimate if Muck to be generated from the plot, construction site to the NP on the prescribed Performa annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be (ix) The NP shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.

5. Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

| | |
|-----------------------------|------------------------------|
| (i) Manual | Rs. 10/- Per load |
| (ii) Mule | Rs. 20/- Per |
| (iii) Pick up | Rs. 300/- per pickup |
| (iv) Tipper light duty | Rs. 700/- per tipper |
| (v) Tipper Heavy duty/truck | Rs. 1200/- per tipper/truck. |

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC/NP.

6. Duties and responsibilities of person concerned.—(i) It shall be the duty and responsibility of owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified by the NP.

(ii) Who so ever is found dumping Muck other than the place specified by the NP, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye-laws.

(iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the MC/NP in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws generated from the plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the NP on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the NP authorities in writing and the same of the place/ site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency. Or the contractor hired or engaged by the NP for managing the dumping site.

(v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the NP at the time of inspection.

(vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before sun rise. The normal timings for dumping the Muck in the dumping site shall be between 09.00 A. M. to 05.00 P. M. However, in the case of exigencies, the NP may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the NP in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board size of x indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Office/Control Room set up by the NP for entertainment of complaints etc.

(ix) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the NP till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the NP in cash or through demand draft.

8. Compounding of offences.—All the offences punishable under these Bye-laws may, before, the institution of Prosecution, be compounded by such officer as may be authorized by the NP or Executive/Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned municipal area under section 260 of the code of Criminal Procedure.

10. Penalty.— (i) Whosoever, is guilty of dumping Muck other than the place specified/notified by the NP, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or there after the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the NP in respect of the class and make of vehicle as defined in Clause 5 of these Bye-laws.

(ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/Official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order,
Sd/-
Secretary,
Nagar panchayat Sujanpur Tihra,
District Hamirpur (H. P.)

आबकारी एवं कराधान विभाग

अधिसूचना

शिमला-171002, 9 मई, 2013

संख्या: ईएक्सएन-एफ (16)3 / 1999.—हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश मनोरंजन शुल्क अधिनियम, 1968 (1968 का अधिनियम संख्यांक 12) की धारा 12 की उपधारा (3) के अधीन उनमें निहित शक्तियों का प्रयोग करते हुए मैसर्ज शंकर मैजिकल कम्पनी को, हिमाचल प्रदेश राज्य में छह मास की अवधि के लिए आयोजित किए जाने वाले जादूगर प्रदर्शनों पर, पूर्वोक्त अधिनियम के अधीन तुरन्त प्रभाव से शुल्क के संदाय से छूट प्रदान करती है।

आदेश द्वारा,
हस्ताक्षरित /—
प्रधान सचिव (आबो एवं कराओ)।

(Authoritative English text of this department notification No. EXN-F (16) 3/1999, dated 9-5-2013 as required under clause (3) of Article 348 of the Constitution of India).

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Shimla-171002, 9 May, 2013

No. EXN-F (16)3/1999.—The Governor of Himachal Pradesh, in exercise of the powers vested in her under sub-section (3) of Section 12 of the Himachal Pradesh Entertainments Duty Act, 1968 (Act No. 12 of 1968) is pleased to exempt M/s Shankar Magical Company, from the payment of duty under the Act ibid on the Magic Shows to be organised in the State of Himachal Pradesh for a period of six months with immediate effect.

By order,
Sd/-
Pr. Secretary (E&T).

NAGAR PANCHAYAT JAWALAMUKHI

(CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS, 2013

NOTIFICATION

Dated,.....

No. 601.—The following Muck dumping bye-laws, 2013 made by the Nagar Panchayat Jawalamukhi in exercise of the power conformed by Section 216, 217 and Section 219 read with Clause (Y and zb) of sub section (1) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No 13 of 1994) as amended from time to time has been considered by the Nagar Panchayat Jawalamukhi and finalized these act namely:—

“Nagar Panchayat Jawalamukhi (Control and regulation) of Muck Dumping Byelaws, 2013”**Preliminary**

1. Short title, commencement and application.—(i) These Bye-laws may be called “Nagar Panchayat Jawalamukhi (Control and regulation) of Muck Dumping Byelaws, 2013”.

(ii) These Bye-laws shall come in to force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.

(iii) These Bye-laws shall be applicable within the jurisdiction of Nagar Panchayat Jawalamukhi as defined from time to time .

2. Definitions.— (i) In these Bye –laws, unless the context otherwise requires:—

(a) **“Act”**-means the Himachal Pradesh Municipal Act 1994 (Act No 13 of 1994) as amended from time to time.

(b) **“Applicant”**-means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the Nagar Panchayat Jawalamukhi.

(c) **“Authorized Officer”**-means any officer /official duly authorized by the Nagar Panchayat Jawalamukhi under these Bye-laws.

(d) **“Muck”**-includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.

(e) **“Place”**-mean authorized site specified by the Nagar Panchayat Jawalamukhi for dumping of Muck.

(f) **“Judicial Magistrate First Class”**-means the Judicial Magistrate having jurisdiction over the area of Nagar Panchayat Jawalamukhi under Act.

(g) "Words and expression used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.

3. Prohibition on Muck Dumping.—(i) No person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than place specified by the Nagar Panchayat Jawalamukhi for dumping of Muck within their area.

(ii) Any person found dumping the muck illegally unauthorisedly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.

4. Procedure for Application and grant of permission.—(i) Applicant or the person concerned intended to commence the construction within the area of the Nagar Panchayat Jawalamukhi shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the Nagar Panchayat Jawalamukhi on the prescribed proforma**appendix-1** at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

(ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to the generated from the plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant .

(iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited the applicant in the Nagar Panchayat Jawalamukhi on this account.

(iv) The place for dumping of muck shall be communicated to the applicant by the Nagar Panchayat Jawalamukhi authorities in writing and the name of the place/site for dumping or debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the Nagar Panchayat Jawalamukhi for managing the dumping site.

(v) During transaction of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and same shall be show to the authorized Officer of the Nagar Panchayat Jawalamukhi at the time of inspection .

(vi) There shall be a restriction on movement of the vehicle carrying Muck a after the sun set and before the sun rise . The normal timings for dumping the Muck in dumping site shall be between 9:00 A.M. to 5:00 P.M. However, in the case of exigencies, the Nagar Panchayat Jawalamukhi may in writing relax such restrictions.

(vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the Nagar Panchayat Jawalamukhi in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard .

(viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the Size of 2feet×3feet indicating therein the number and date of the sanctioned, commencement of construction and hours during which construction can be carried out, time when excavation can be done , name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/Control Room set up by the Nagar Panchayat Jawalamukhi for entertainment of complaints etc.

(ix) The Nagar Panchayat shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of building sanction.

5. Rate of dumping of muck.— The following rates shall be applicable for dumping of muck in the specified places.

| | |
|----------------------|-----------------------------|
| 1. Pick up | Rs. 40/- per pickup |
| 2. Tipper light duty | Rs. 80/- per tipper |
| 3. Tractor trolley | Rs. 50/- per trolley |
| 4. Tipper Heavy duty | Rs. 100/- per tipper /truck |

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the Nagar Panchayat Jawalamukhi.

In case where muck is dumped not by use of mechanized but by use of manual labour horse carts, wheel barrow, hand cart ,etc the following rates shall be applicable for dumping of muck in the specified places.

| | |
|------------------------------|--------------------|
| (1) Horse Cart | Rs.20/- per trip |
| (2) wheel barrows /hand cart | Rs. 5/- per trip |
| (3) Muel | Rs. 5/- per trip |
| (4) Manual | Rs. 1/- per basket |

6. Duties and responsibilities of person concerned.—(i) It shall be the duty and responsibility of owner to make available all the sanctions/permission granted by the component authority to the person so hired or engaged by him for dumping of muck in a specified places as specified by the Nagar Panchayat Jawalamukhi.

(ii) Whosoever is found dumping muck other than the places specified by the Nagar Panchayat Jawalamukhi , the owner or the person caught dumping the muck shall be liable jointly for penalty under these Bye-laws .

(iii) At the time of transportation of muck , the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.

7. Impounding of vehicle.—(i) The authorized officer or the police establishment or the Nagar Panchayat Jawalamukhi in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if any found violating the provision of these Bye-laws.

(ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.

(iii) The official impounding the vehicle shall impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the Nagar Panchayat Jawalamukhi till it is not released to the registered owner .The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 500/- per day payable by registered owner to the Nagar Panchayat Jawalamukhi in cash or through demand draft.

8. Compounding of offences .—All the offences punishable under these bye-laws may, before the institution of prosecution, be compounded by such officer as may be authorized by the Nagar Panchayat Jawalamukhi or Secretary in this behalf, on payment of sum Rs. 100/-such officer under these Bye –laws.

(i) The junior engineer of Nagar Panchayat Jawalamukhi is also authorized to panel action against the guilty found under this act.

9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the special judicial Magistrate First Class of the concerned municipal area under section 2060 of the code of criminal procedure.

(i) If any cases of disposal of muck where no planning/Building permission is required.These bye-laws should not only deal with muck being generated on account of construction where building permission is required but even where such building permission is not required . For example, when a person carries out minor repair of his house he may not be required to obtain permission but muck may be generated. The whole muck dumping Bye-laws 2013 shall also be applicable in these cases .

10. Penalty.— (i) Whosoever is guilty of dumping Muck other than the place specified /notified by the Nagar Panchayat Jawalamukhi the rates of penalty shall be ten time at the first instance , twenty time at the second instance and for the third instance or thereafter the amount of penalty shall be thirty time of the actual rate of dumping as fixed by the Nagar Panchayat Jawalamukhi in respect of the class and make of vehicle as defined in clause 5 of these Bye-laws.

(ii) And where muck is dumped not by use of mechanized means but by use of manual labour mules etc. whosoever is guilty of dumping muck other than the place specified/notified by the Nagar Panchayat Jawalamukhi penalty shall be Five time at the first instance, ten time at the second instance and for the third instance or thereafter the amount of penalty shall be fifteen time of the actual rate of dumping as fixed by the Nagar Panchayat Jawalamukhi in respect of the class and make of vehicle and manual, mules, carts as defined clause 5 of these byelaws.

(iii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction /excavation work is carried and is found dumping the Muck illegally or without the permission of the component authority as the case may be shall also be liable for disconnection of water, electricity and others civic amenities and the concerned officer / official may request the competent authority for withdrawal of recognition and registration granted in favour of the owner concerned.

By order,
Sd-
Secretary,
*Nagar Panchayat Jawalamukhi,
District Kangra, H.P.*

